

Frances L. Kern
Colleen Robbins
Federal Trade Commission
600 Pennsylvania Ave, NW, CC-8543
Washington, DC 20580
(202) 326-2391; fkern@ftc.gov (Kern)
(202) 326-2548; crobbins@ftc.gov (Robbins)
(202) 326-3395 (Fax)

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THEFBAMACHINE INC. et. al.,

Defendants.

NO. 24-CV-6635

**JOINT REQUEST TO EXTEND TRO
AND ADJOURN PRELIMINARY
INJUNCTION HEARING**

On June 3, 2024, Plaintiff filed its Complaint against Defendants in the above-referenced matter and, contemporaneously, its *Ex Parte* Application for an Order Temporarily Sealing the Docket and Entire Case File (“Seal Application”) and its Emergency *Ex Parte* Application for Temporary Restraining Order and Preliminary Injunction with Other Equitable Relief (“TRO Application”).

On June 3, after an *ex parte* hearing, the Court entered the Order Temporarily Sealing the Docket and Entire Case File (“Seal Order”) (Docket No. 6) and the *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue (“TRO”) (Docket No. 5). The TRO appointed Anthony Sodono, III as temporary receiver (“Receiver”). (TRO § XL.)

As shown in the returned summonses filed with the Clerk of Court but not yet available on CM/ECF, Defendants were served on June 5 at 1:30 p.m. In accordance with the Court's Seal Order, the seal was lifted once service was effected on all Defendants. (Docket No. 6 ¶ 1.)

Section XXVI of the TRO sets the hearing for the preliminary injunction ("PI Hearing") for June 17, 2024, at 9:30 p.m. No postponement of the PI Hearing has been previously granted.

Counsel for Plaintiff, Defendants, and the Receiver respectfully request an adjournment of the PI Hearing until July 30, or as soon thereafter as they may be heard, to provide additional time for the parties to negotiate, if possible, a stipulated preliminary injunction and permit the Receiver to complete his initial analysis of Defendants' businesses before Defendants file a responsive brief. The parties respectfully request that Defendants' answering pleadings, affidavits, motions, expert reports or declarations, or legal memoranda be filed with the Court and served on counsel for Plaintiff by July 15, and Plaintiff's responsive or supplemental pleadings, materials, affidavits, or memoranda be filed with the Court and served on counsel for Defendants by July 23. The parties further request that any motion to permit live testimony at the PI Hearing be filed with the Court and served on counsel for the other parties by July 15.

The parties also respectfully request that the TRO be continued until such time as the Court rules on the preliminary injunction.

Respectfully submitted,

Dated: June 13, 2024

/s/ Frances L. Kern

Frances L. Kern
Colleen Robbins
Federal Trade Commission
600 Pennsylvania Ave., NW
Mailstop CC-8528
Washington, DC 20580
(202)326-2391; fkern@ftc.gov
(202) 326-2548; crobbins@ftc.gov

*Attorneys for Plaintiff
Federal Trade Commission*

s/ Mikhail Usher

Mikhail Usher
Usher Law Group
1022 Ave. P
Second Floor
Brooklyn, NY 11223
musheresq@gmail.com

*Counsel for Defendants
TheFBAMachine Inc., Passive Scaling, Inc.,
Sales.Support New Jersey Inc., IHR
Deliveries Inc., Hourly Relief Inc., 3PL
Logistic Automation Inc., FBA Support NJ
Corp., Daily Distro LLC, Closter Green
Corp., and Bratislav Rozenfeld*

s/ Michele M. Dudas

Sari B. Placona
Michele M. Dudas
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor
Roseland, NJ 07068
SPlacona@msbnj.com (Placona)
MDudas@msbnj.com (Dudas)

*Counsel for Temporary Receiver
Anthony Sodono, III*